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A 2-year custody battle with the CIA pays off

By CHRIS WELLISZ

Spectator's ongoing efforts to obtain documents from the CIA about clandestine operations at Columbia began in September, 1977, after the agency revealed that the university had been involved in Project MK-ULTRA, a series of top-secret mind control experiments conducted in the 1950's and early '60's.

That year, the CIA informed Columbia that it was one of 80 universities at which "some portion" of the experiments, which included tests of the effects of LSD on unwitting subjects, were conducted.

To obtain more information about the CIA's secret affiliations with Columbia, Spectator requested all documents dealing with the agency's involvement in campus research projects under the Freedom of Information Act (FOIA). The FOIA, passed by Congress in 1974, requires federal agencies to release non-classified information to those who request it.

It soon became clear, however, that the CIA would not immediately respond to the request. During an exchange of correspondence between the CIA and Spectator, the agency acknowledged Spectator's request but said it would be unable to comply within 10 days, as specified by law.

On March 3, 1978 the newspaper filed an administrative appeal requesting a response within 20 days. Although the CIA did not formally deny the request, it failed to provide any of the materials asked for. Arguing that the CIA's "lack of a timely response" constituted a denial of the newspaper's request, Spectator filed a civil complaint in federal court to obtain the materials it had requested.

The suit, brought in the U.S. District Court for the Southern District of New York, named the Central Intelligence Agency and its director, Adm. Stansfield Turner, as defendants.

Lawyers for Spectator said in papers filed with the court that "the plaintiff has exhausted its administrative remedies under the Freedom of Information Act" and asked for the release of information, as originally requested from the CIA, documenting "all past and present contractual relationships between the Central Intelligence Agency... and Columbia University in the City of New York."

In particular, Spectator was seeking information about "the CIA's use of university facilities to examine the effect of drugs on human behavior and the CIA's financial support of various research projects conducted by university professors."

In addition, Grossman filed a "Vaughn" motion asking for a "list and index" of all CIA documents relating to its activities on campus.

That summer, the CIA filed a motion with the federal district court requesting a stay of all proceedings on the grounds that the agency was responding to the request with "due diligence."

The CIA argued that because of the thousands of requests for information under the Freedom of Information Act, which it handled on a "first come, first-serve" basis, it was impossible for the agency to comply with Spectator's request within the 30 days required by FOIA. The law, however, grants variances of the 30-day rule in "exceptional circumstances."

Spectator, however, countered the agency's claims by arguing that its system of handling claims was arbitrary. The newspaper was not assigned a response sequence number until it filed the administrative appeal, four months after its original request.

Spectator also charged arbitrariness by noting that the CIA processed FOIA and Privacy Act requests together, thus delaying the FOIA requests. Lastly, the newspaper contended that the CIA

failed to take into account Spectator's status as a member of the press. In its original request, Spectator asked for the information to help in its research for a series of articles on CIA-Columbia relations.

But in March, 1979, William Conner, the federal district judge, ruled that the CIA would not have to release a list and index of the documents and granted the agency's request for a stay of the proceedings.

In his decision, Conner stated that the "method employed by the CIA for processing appeals is orderly" and rejected the claim that the agency had acted arbitrarily by not promptly assigning Spectator a response-sequence number.

The CIA, Conner determined, could have as much time as it liked to process the request. Between the time the original request was filed and the administrative appeal, the CIA had processed 1,700 other FOIA requests, according to papers filed with the court.

Two years after Spectator's first letter to the CIA, most of the requested documents were finally released on August 29, 1979. The 1,131 released documents consisted in large part of correspondence between the CIA and officers of the university. Fifteen documents were denied to the newspaper.

But of the documents released, most contained deletions; only 139 were provided in their entirety.

The magic-marker deletions were made to conceal the names of various university professors involved in CIA funded research projects. The names of CIA agents and classified information concerning the Agency's relations with Columbia were also withheld in part. A list and index was provided along with the documents themselves.

Since the initial release of the documents, Spectator and the CIA have been involved in negotiations for the release of redacted and denied material.

According to Eric Freedman, attorney for Spectator, negotiations are "80 per cent complete." Within six weeks, he said, the newspaper will pronounce itself "satisfied or dissatisfied with regard to specific documents," at which point litigation may be concluded.

On April 11 of this year, more documents, including correspondence between President McGill and Adm. Turner, were released in response to complaints by Spectator of incomplete information.